

ESTTA Tracking number: **ESTTA741889**

Filing date: **04/22/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

|                        |  |
|------------------------|--|
| Proceeding             | 92060029   |
| Party                  | Defendant<br>Melvin N.A. Avanzado DBA The Avanzado Law Firm  |
| Correspondence Address | ELAINE W YU<br>THE AVANZADO LAW FIRM<br>1880 CENTURY PARK E, STE 1404<br>LOS ANGELES, CA 90067<br>UNITED STATES<br>elaine@avanzadolaw.com, mel@avanzadolaw.com |
| Submission             | Other Motions/Papers   |
| Filer's Name           | Elaine Yu  |
| Filer's e-mail         | elaine@avanzadolaw.com   |
| Signature              | /Elaine Yu/  |
| Date                   | 04/22/2016   |
| Attachments            | RJN ISO MNAA MSJ (FINAL).pdf(245468 bytes )  |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

JAHN & ASSOCIATES, LLC

Petitioner,

v.

MELVIN N.A. AVANZADO,

Registrant/Respondent.

**CANCELLATION NO.: 92060029**

MARK: BIG FIRM EXPERIENCE,  
SMALL FIRM SERVICE  
(Registration Number: 4015965)

Filing Date: February 1, 2011

*[Avanzado's Summary Judgment Motion,  
Statement of Disputed Facts, Declaration of  
Melvin N.A. Avanzado, and Declaration of  
Kelly D. Talcott filed concurrently herewith]*

**RESPONDENT MELVIN N.A. AVANZADO'S REQUEST FOR JUDICIAL NOTICE IN  
SUPPORT OF AVANZADO'S SUMMARY JUDGMENT MOTION**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Respondent Melvin N.A. Avanzado ("Avanzado") in support of his opposition to the summary judgment motion of Claimant Kirstin Jahn and Jahn & Associates, LLC (collectively "Jahn"), will and hereby does request that the Trademark Trial and Appeals Board of the United States Patent and Trademark Office take judicial notice of the websites as described in detail below, pursuant to Rule 201 of the Federal Rules of Evidence.

1. An internet search of the words "Small Firm, Big Experience" yields a litany of results. Avanzado requests judicial notice of the following documents that bear the same or similar phrase as "Small Firm Big Experience":

- a. <http://voselaw.com/service>
- b. <http://kggllc.com>
- c. <http://www.christensenlawgrp.com/>
- d. <http://www.weisslawstl.com/>
- e. <http://www.ntneighborhoodnews.com/>
- f. <http://www.heltonlawfirm.com>
- g. <http://www.maxwellhesse.com>
- h. <http://www.weisslawstl.com>
- i. <http://www.kdtalcott.com/what-i-can-do-for-you.html>

2. A review of Jahn's firm website shows Jahn's experience, practice areas of law and state bar admissions. Avanzado requests judicial notice of Jahn's firm website which is located at the following website address: <http://jahnlaw.com>.

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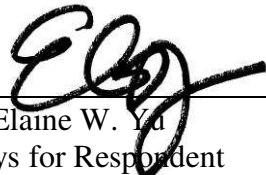
Courts may take judicial notice of facts "not subject to reasonable dispute . . . that [are] . . . capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned." Fed. R. Evid. 201(c).

The facts and events in such documents are matters which are "capable of accurate and ready determination by resort to sources" – the documents from these actions attached to the Avanzado Declaration as Exhibit Numbers 12 and 13 – "whose accuracy cannot

reasonably be questioned.” Accordingly, Avanzado’s request for judicial notice should be granted.

DATED: April 22, 2016

THE AVANZADO LAW FIRM

By:   
Elaine W. Yu  
Attorneys for Respondent  
Melvin N.A. Avanzado

## **PROOF OF SERVICE**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and am not a party to the within action. My business address is 1880 Century Park East, Suite 1100, Los Angeles, California 90067. On the date set forth below, I caused the foregoing document(s) described as

### **REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF RESPONDENT AND DEFENDANT MELVIN N.A. AVANZADO'S MOTION FOR SUMMARY JUDGMENT**

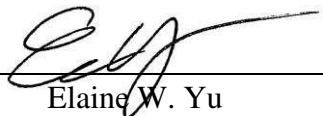
to be served on the interested parties in this action as follows by placing

☐ the original ☒ a true copy thereof enclosed in sealed envelopes addressed as stated below:

Kirstin M. Jahn  
Jahn & Associates, LLC  
1942 Broadway, Suite 314  
Boulder, Colorado 80304  
<kirstin@jahnlaw.com>

- ☐ **BY MAIL:** I sealed and placed such envelope for collection and mailing to be deposited in the mail on the same day in the ordinary course of business at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid. I am readily familiar with this firm's practice of collecting and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business.
- ☐ **BY OVERNIGHT COURIER:** I caused such envelope to be placed for collection and delivery on this date in accordance with standard \_\_\_\_\_ delivery procedures.
- ☐ **BY FAX:** In addition to service by mail, I transmitted a copy of the foregoing document(s) this date via telecopier to the facsimile numbers shown above.
- ☒ **BY ELECTRONIC MAIL:** I personally delivered such envelope by electronic mail to the addressee(s) shown above.
- ☐ **BY PERSONAL SERVICE:** I personally delivered such envelope by hand to the addressee(s) shown above.
- ☐ [State] I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- ☒ [Federal] I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made. I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 22, 2016 at Los Angeles, California.

  
\_\_\_\_\_  
Elaine W. Yu